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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

**KELSEY CASCADIA ROSE JULIANA;**  
**XIUHTEZCATL TONATIUH M.,** through his  
Guardian Tamara Roske-Martinez; et al.,

Plaintiffs,

v.

**The UNITED STATES OF AMERICA;** et al.,

Defendants.

Case No.: 6:15-cv-01517-AA

**DECLARATION OF ANDREA K.  
RODGERS in Support of Plaintiffs'  
Opposition to Defendants' Motion to  
Certify Order for Interlocutory Appeal**

**DECLARATION OF ANDREA K. RODGERS in Support of Plaintiffs' Opposition to  
Defendants' Motion to Certify Order for Interlocutory Appeal**

I, Andrea K. Rodgers, hereby declare and if called upon would testify as follows:

1. I am an attorney of record in the above-entitled action. I make this Declaration in support of Plaintiffs' Opposition to Defendants' Motion to Certify Order for Interlocutory Appeal. I have personal knowledge of the facts stated herein, except as to those stated upon information and belief, and if called to testify, I would and could testify competently thereto.
2. On July 6, 2023, my co-counsel Philip Gregory and I had a conference call with counsel for Defendants about their anticipated filing of a Motion to Certify Order for Interlocutory Appeal and a Motion to Stay the litigation. On that call, counsel for Defendants acknowledged that the parties have already briefed all of the issues raised in their pending motions on previous occasions.
3. Mr. Gregory and I also informed counsel for Defendants that there was clear precedent that when a case is dismissed for lack of standing, it is *without* prejudice. We offered to provide counsel for Defendants with the case law to which we were referring, but they did not take us up on that offer.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on July 21, 2023.

/s/ Andrea K. Rodgers  
Andrea K. Rodgers